

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1003 be amended to read as follows:

- 1 Page 4, between lines 3 and 4, begin a new paragraph and insert:
2 "SECTION 2. IC 6-1.1-21-3, AS AMENDED BY P.L.192-2002(ss),
3 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 3. (a) The department, with the assistance of
5 the auditor of state and the department of local government finance,
6 shall determine an amount equal to the eligible property tax replacement
7 amount, which is the estimated property tax replacement.
8 (b) The department of local government finance shall certify to the
9 department the amount of:
10 **(1) property tax deduction replacement credits provided**
11 **under IC 6-1.1-21.9 that are allowed by the county for the**
12 **particular calendar year; and**
13 **(2) homestead credits provided under IC 6-1.1-20.9 which are**
14 **allowed by the county for the particular calendar year; and**
15 **(3) the credits provided under section 5.9 of this chapter that**
16 **are allowed by the county for the particular calendar year.**
17 (c) If there are one (1) or more taxing districts in the county that
18 contain all or part of an economic development district that meets the
19 requirements of section 5.5 of this chapter, the department of local
20 government finance shall estimate an additional distribution for the
21 county in the same report required under subsection (a). This additional
22 distribution equals the sum of the amounts determined under the
23 following STEPS for all taxing districts in the county that contain all or

- 1 part of an economic development district:
- 2 STEP ONE: Estimate that part of the sum of the amounts under
- 3 section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable
- 4 to the taxing district.
- 5 STEP TWO: Divide:
- 6 (A) that part of the estimated property tax replacement amount
- 7 attributable to the taxing district; by
- 8 (B) the STEP ONE sum.
- 9 STEP THREE: Multiply:
- 10 (A) the STEP TWO quotient; times
- 11 (B) the taxes levied in the taxing district that are allocated to a
- 12 special fund under IC 6-1.1-39-5.
- 13 (d) The sum of the amounts determined under subsections (a)
- 14 through (c) is the particular county's estimated distribution for the
- 15 calendar year.
- 16 SECTION 3. IC 6-1.1-21-4, AS AMENDED BY P.L.245-2003,
- 17 SECTION 19, AND AS AMENDED BY P.L.264-2003, SECTION 12,
- 18 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each year the department
- 20 shall allocate from the property tax replacement fund an amount equal
- 21 to the sum of:
- 22 (1) each county's total eligible property tax replacement amount
- 23 for that year; plus
- 24 (2) the total amount of homestead tax credits that are provided
- 25 under IC 6-1.1-20.9 and allowed by each county for that year;
- 26 plus
- 27 (3) an amount for each county that has one (1) or more taxing
- 28 districts that contain all or part of an economic development
- 29 district that meets the requirements of section 5.5 of this chapter.
- 30 This amount is the sum of the amounts determined under the
- 31 following STEPS for all taxing districts in the county that contain
- 32 all or part of an economic development district:
- 33 STEP ONE: Determine that part of the sum of the amounts
- 34 under section 2(g)(1)(A) and 2(g)(2) of this chapter that is
- 35 attributable to the taxing district.
- 36 STEP TWO: Divide:
- 37 (A) that part of the subdivision (1) amount that is attributable
- 38 to the taxing district; by
- 39 (B) the STEP ONE sum.
- 40 STEP THREE: Multiply:
- 41 (A) the STEP TWO quotient; times
- 42 (B) the taxes levied in the taxing district that are allocated to
- 43 a special fund under IC 6-1.1-39-5; **plus**
- 44 **(4) the total amount of property tax deduction replacement**
- 45 **credits that are provided under IC 6-1.1-21.9 and allowed by**

1 **each county for that year; plus**
2 **(5) the credits provided under section 5.9 of this chapter that**
3 **are allowed by the county for the particular calendar year.**

4 (b) Except as provided in subsection (e), between March 1 and
5 August 31 of each year, the department shall distribute to each county
6 treasurer from the property tax replacement fund one-half (1/2) of the
7 estimated distribution for that year for the county. Between September
8 1 and December 15 of that year, the department shall distribute to each
9 county treasurer from the property tax replacement fund the remaining
10 one-half (1/2) of each estimated distribution for that year. The amount
11 of the distribution for each of these periods shall be according to a
12 schedule determined by the property tax replacement fund board under
13 section 10 of this chapter. The estimated distribution for each county
14 may be adjusted from time to time by the department to reflect any
15 changes in the total county tax levy upon which the estimated
16 distribution is based.

17 (c) On or before December 31 of each year or as soon thereafter as
18 possible, the department shall make a final determination of the amount
19 which should be distributed from the property tax replacement fund to
20 each county for that calendar year. This determination shall be known
21 as the final determination of distribution. The department shall distribute
22 to the county treasurer or receive back from the county treasurer any
23 deficit or excess, as the case may be, between the sum of the
24 distributions made for that calendar year based on the estimated
25 distribution and the final determination of distribution. The final
26 determination of distribution shall be based on the auditor's abstract filed
27 with the auditor of state, adjusted for postabstract adjustments included
28 in the December settlement sheet for the year, and such additional
29 information as the department may require.

30 (d) All distributions provided for in this section shall be made on
31 warrants issued by the auditor of state drawn on the treasurer of state.
32 If the amounts allocated by the department from the property tax
33 replacement fund exceed in the aggregate the balance of money in the
34 fund, then the amount of the deficiency shall be transferred from the
35 state general fund to the property tax replacement fund, and the auditor
36 of state shall issue a warrant to the treasurer of state ordering the
37 payment of that amount. However, any amount transferred under this
38 section from the general fund to the property tax replacement fund
39 shall, as soon as funds are available in the property tax replacement
40 fund, be retransferred from the property tax replacement fund to the
41 state general fund, and the auditor of state shall issue a warrant to the
42 treasurer of state ordering the replacement of that amount.

43 (e) Except as provided in subsection (i), the department shall not
44 distribute under subsection (b) and section 10 of this chapter the money
45 attributable to the county's property reassessment fund if:

(1) by the date the distribution is scheduled to be made, ~~(1)~~ the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance; ~~or~~

(2) by the deadline under IC 36-2-9-20, the county auditor has not transmitted data as required under that section; **or**

~~(2)~~ **(3) the county assessor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a).**

(f) Except as provided in subsection (i), if the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b), the state board or the department shall not distribute under subsection (b) and section 10 of this chapter a part of the money attributable to the county's property reassessment fund. The portion not distributed is the amount that bears the same proportion to the total potential distribution as the number of townships in the county for which data was not transmitted by ~~August 1~~ *October 1* as described in this section bears to the total number of townships in the county.

(g) Money not distributed ~~under subsection (e)~~ *for the reasons stated in subsection (e)(1) and (e)(2)* shall be distributed to the county when:

(1) the county auditor sends to the department of local government finance the certified statement required to be sent under IC 6-1.1-17-1; and

(2) the county assessor forwards to the department of local government finance the approved exemption applications required to be forwarded under IC 6-1.1-11-8(a);

with respect to which the failure to send *or forward* resulted in the withholding of the distribution under subsection (e).

(h) Money not distributed under subsection (f) shall be distributed to the county when the elected township assessors in the county, the elected township assessors and the county assessor, or the county assessor transmits to the department of local government finance the data required to be transmitted under IC 6-1.1-4-25(b) with respect to which the failure to transmit resulted in the withholding of the distribution under subsection (f).

(i) The restrictions on distributions under subsections (e) and (f) do not apply if the department of local government finance determines that:

(1) the failure of:

(A) a county auditor to send a certified statement; *or*

(B) a county assessor to forward copies of all approved

1 *exemption applications;*
 2 as described in subsection (e); or
 3 (2) the failure of an official to transmit data as described in
 4 subsection (f);
 5 is justified by unusual circumstances.

6 SECTION 4. IC 6-1.1-21-5.9 IS ADDED TO THE INDIANA CODE
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON
 8 PASSAGE]: **Sec. 5.9. (a) The following definitions apply throughout**
 9 **this section:**

10 (1) "Adjusted gross income" refers to adjusted gross income
 11 (as defined in IC 6-3-1-3.5) derived from farming.

12 (2) "Net property tax bill" means the amount of property
 13 taxes currently due and payable in a particular calendar year
 14 after the application of all deductions and credits, except for
 15 the credit provided by this section, as evidenced by the tax
 16 statement referred to in IC 6-1.1-22-8.

17 (3) "Qualifying taxpayer" means a person who is liable for
 18 the payment of property taxes on a qualifying property.

19 (4) "Qualifying property" means agricultural land:

20 (A) that a qualifying taxpayer owned; or

21 (B) on which a qualifying taxpayer assumed liability for
 22 the payment of property taxes.

23 (5) "Taxable year" has the meaning set forth in IC 6-3-1-16.

24 (b) Each year a qualifying taxpayer may receive a credit against
 25 the net property tax bill on the qualifying taxpayer's qualifying
 26 property. The amount of the credit to which a qualifying taxpayer
 27 is entitled equals the greater of zero (0) or the remainder of:

28 (1) the amount of the net property tax bill without the
 29 application of the credit provided by this section; minus

30 (2) the following percentage of the qualifying taxpayer's
 31 adjusted gross income for the qualifying taxpayer's most
 32 recent taxable year that ends before the date on which the
 33 claim is filed under subsection (d):

34 (A) Ten percent (10%) if the adjusted gross income is less
 35 than twenty thousand dollars (\$20,000).

36 (B) Fourteen percent (14%) if the adjusted gross income
 37 is at least twenty thousand dollars (\$20,000) but less than
 38 fifty thousand dollars (\$50,000).

39 (C) Eighteen percent (18%) if the adjusted gross income
 40 is at least fifty thousand dollars (\$50,000) but less than
 41 seventy-five thousand dollars (\$75,000).

42 (c) A qualifying taxpayer who desires to claim the credit
 43 provided by this section must file a certified statement in

duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the qualifying property is located. The statement must be filed during the twelve (12) months preceding May 11 of the year before the year for which the qualifying taxpayer wishes to obtain the credit under this section. The statement must contain the following information:

(1) The full name or names and complete address of the qualifying taxpayer.

(2) A description of the qualifying property

(3) The amount of the qualifying taxpayer's adjusted gross income referred to in subsection (b).

(4) The name of any other county and township in which the qualifying taxpayer owns or is buying on contract real property.

(5) The record number and page where the contract or memorandum of the contract is recorded if the qualifying property is under contract purchase.

(6) Any other information required by the department of local government finance.

(d) The auditor of a county with whom a statement is filed under subsection (c) shall immediately prepare and transmit a copy of the statement to the auditor of any other county if the qualifying taxpayer who claims the credit owns or is buying real property located in the other county as described in subsection (c)(4). The auditor of the other county described in subsection (c)(4) shall note on the copy of the statement whether a credit has been claimed under this section for a qualifying property located in the auditor's county. The auditor shall then return the copy to the auditor of the first county.

(e) If a proper credit statement is filed under subsection (c), the county auditor shall allow the credit and shall apply the credit equally against each installment of property taxes. The county auditor shall include the amount of the credit applied against each installment of property taxes on the tax statement required under IC 6-1.1-22-8.

(f) If a taxpayer knowingly or intentionally files a false statement under this section, the taxpayer must pay the amount of any credit the taxpayer received because of the false statement, plus interest at the rate of ten percent (10%) per year, to the county auditor for distribution to the taxing units of the county in the same proportion that property taxes are distributed.

SECTION 5. IC 6-1.1-21.9 IS ADDED TO THE INDIANA CODE

1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
2 PASSAGE]:

3 **Chapter 21.9. Property Tax Deduction Replacement Credits**

4 **Sec. 1. This chapter applies to the following a qualified property**
5 **tax deduction.**

6 **Sec. 2. The definitions set forth in IC 6-1.1-21 apply throughout**
7 **this chapter.**

8 **Sec. 3. As used in this chapter, "county property tax deduction**
9 **replacement amount" means the sum of a particular county's**
10 **taxpayer property tax deduction replacement credits.**

11 **Sec. 4. As used in this chapter, "qualified property tax**
12 **deduction" means the property tax deduction under**
13 **IC 6-1.1-12-44.**

14 **Sec. 5. As used in this chapter, "taxpayer's property tax**
15 **deduction replacement credit" means the amount determined in**
16 **the last of the following STEPS:**

17 **STEP ONE: Determine the sum of the taxpayer's qualified**
18 **property tax deductions.**

19 **STEP TWO: Multiply the STEP ONE result by the total net**
20 **tax rate applicable in the taxpayer's taxing district.**

21 **Sec. 6. The department, with the assistance of the auditor of**
22 **state and the department of local government finance, shall**
23 **determine for each county an amount equal to the county**
24 **property tax deduction replacement amount.**

25 **Sec. 7. For purposes of calculating tax rates, the county auditor**
26 **shall add the sum of each county taxpayer's qualified property tax**
27 **deductions to the county's net assessed value.**

28 **Sec. 8. For purposes of calculating a particular taxpayer's tax**
29 **bill, the county treasurer shall add the sum of the taxpayer's**
30 **qualified property tax deductions to the taxpayer's net assessed**
31 **value.**

32 **Sec. 9. Each year the taxpayers of each county shall receive a**
33 **credit for property tax deduction replacement in the amount of**
34 **each taxpayer's property tax deduction replacement credit amount**
35 **for taxes which under IC 6-1.1-22-9 are due and payable in May**
36 **and November of that year. The credit shall be applied to each**
37 **installment of taxes. The dollar amount of the credit for each**
38 **taxpayer shall be determined by the county auditor based on data**
39 **furnished by the department of local government finance.**

40 **SECTION 6. [EFFECTIVE UPON PASSAGE] (a) IC 6-1.1-21-3**
41 **and IC 6-1.1-21-4, both as amended by this act, apply only to**
42 **property taxes first due and payable after December 31, 2003.**

43 **(b) IC 6-1.1-21-5.9 and IC 6-1.1-21.9, as added by this act, apply**

- 1 **only to property taxes first due and payable after December 31,**
- 2 **2003."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1003 as printed January 13, 2004.)

Representative Thompson